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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,976

10/21/2003

Glenn A. Rinne

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3798

7590 05/22/2007
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EXAMINER

IM, JUNGHWA M

ART UNIT

PAPER NUMBER

2811

MAIL DATE

DELIVERY MODE

05/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/689,976

Applicant(s)

RINNE, GLENN A.

Examiner

Junghwa M. Im

Art Unit

2811

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

Douglas W. Owens 5/18/07

**DOUGLAS W. OWENS
SUPERVISORY PATENT EXAMINER**

Continuation of 13. Other:

The indicated allowability of claims 9-14 and 62 is withdrawn. The typographical error was made in the last office action. However, the last Office action clearly states the rejection of claim 9, therefore, the base claim 9 and the dependent claims 10-14 and 62 are rejected. Claims 22-28, 42-51, 55-60, 63 and 72-74 are allowed.

Applicant argues that "the Applicant respectfully requests that the finality of the Office Action be withdrawn because the Office Action was not properly made final. ... Because there were no amendments to necessitate the new grounds of rejection, the Office Action of March 6, 2007, was improperly made final, and removal of finality of the Office Action is thus respectfully requested." The finality of the Office Action is proper since the applicant made amendments September 18, 2006 and the rejection is in response to these amendments.

Regarding the arguments on claim 1, 9 and 19 based on 35 U.S.C. Sec. 112, second paragraph, the rejection is maintained.

Claim 1 recites the limitation "the first electrical and mechanical connection bypasses the second integrated circuit." Note that Fig. 5 and the specification of the instant invention explicitly disclose that the signal pass, that is, the first electrical connection between the first and the third IC substrate is made through the second IC substrate. Therefore, the first electrical and mechanical connection cannot bypass the second integrated circuit.

As discussed in the office action above, Claim 9 recites that the limitation "... device side ... face a first direction and the backside face a second direction." Note that both of the device side and the backside are a part of the device and the devices are mounted on the PCB as disclosed in the instant invention. Therefore, both of the front and the back surfaces of the devices face the same direction, that is, a top surface of the PCB.

Regarding claim 19, Applicant argues that "[t]he Applicant respectfully notes that a unique signal path for a memory device is discussed, for example, with respect to Figure 6 at page 16, line 3 to page 18, line 21 of the Application as originally filed. A portion of a signal path may thus be provided on an integrated circuit substrate without providing a direct electrical coupling with any electronic circuit of the integrated circuit substrate." Note that the claim recites the limitation "a direct electrical coupling is provided between the signal path and an electronic circuit of the fifth integrated circuit substrate, and wherein the signal path is free of a direct electrical coupling with an any electronic circuit of the third integrated circuit substrate." It is still confusing to understand this limitation since the referred portion of "Figure 6 at page 16, line 3 to page 18, line 21 of the Application" does not show this aspect at all. Furthermore, the applicant does not provide a clear explanation other than the speculation of "A portion of a signal path 'may' thus be provided on an integrated circuit substrate without providing a direct electrical coupling with any electronic circuit of the integrated circuit substrate." (Emphasis is added.) In addition, the claim does not recite that "[a] portion of a signal path may thus be provided on an integrated circuit substrate ..." as the applicant argues.

Regarding the applicant's argument on claims 1 and 5 over the cited art, note that the argument is stated without incorporating the rejection based on 35 U.S.C. Sec. 112, second paragraph. As discussed above, the instant invention does not disclose an electrical connection from the first device to the third device bypasses the second device..